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Security Council

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Letter dated 30 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 16 July 2001 from the Permanent Representative of Iraq to the United Nations addressed to you (S/2001/705). To the surprise of those even remotely familiar with the history of the war imposed on the Islamic Republic of Iran by Iraq, the letter contends that "many reports and studies published since 1988 have confirmed the use of Iran of chemical weapons in its war of aggression against Iraq".

To seemingly substantiate such a stunning and cynical claim, the letter, out of those "many reports and studies", only refers to "a 1990 report of the Institute of Strategic Studies", without even specifying which one, and two quotations taken out of context from a single article in *The Washington Post*. It didn't come as a surprise, however, that no reference at all is made in the Iraqi letter to authoritative and independent opinions submitted by eight United Nations missions dispatched by the Secretary-General to Iran and Iraq to investigate the use of chemical weapons in the Iran-Iraq war.

In the course of the last 13 years, since the end of the war, the agony of thousands of Iranians exposed to chemical weapons used by the Iraqis has persisted unabated. Since then, hardly a week goes by without the death of a surviving victim of Iraqi chemical attacks, suffering from leukaemia and/or other related diseases. In the face of the grotesque distortion of the facts contained in the above-mentioned letter, I should avail myself of this opportunity to recall a few of the numerous United Nations documents, media reports, official positions of Governments etc., which all singled out unanimously the culprit violating the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare, of 1925.

In the annex to this letter you will find a partial and brief description of the widespread and systematic resort by the Iraqi Government to Chemical weapons, on the basis of authoritative and independent investigations, against Iranian military personnel and even civilians. Our experience reasonably justifies our concern, as one of Iraq's neighbours, over the continuous refusal of Iraqi officials to accede to conventions such as the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.

02-50757 (E) 120802

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad Hassan **Fadaifard**
Ambassador
Chargé d'affaires a.i.

Annex to the letter dated 30 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

On 3 November 1983, the Government of the Islamic Republic of Iran informed for the first time in communication to the UN Secretary-General that chemical weapons were being used by Iraq in the conflict between the two countries (S/16128). 15 subsequent letters detailed the use of chemical weapons by Iraq in the period leading to the first dispatch of a UN investigating mission to Iran. The summary of the conclusions of the first and subsequent UN investigating missions to Iran and Iraq and the reactions of the Security Council to the reports submitted by them are as follows:

a. In his letter to the Security Council (S/16433 of 26 March 1984), the Secretary-General, transmitting the first report of the specialists appointed by the United Nations to investigate the use of chemical weapons in Iran-Iraq war, refers to preceding events, including the backdrop against which he found himself obliged to act upon the request made by Iranian officials and send the specialists to Iran. In this respect, he states, among others, that:

> "Press reports indicated that medical authorities in a number of countries in which Iranian nationals were being treated or relevant data were being analyzed had not excluded the possibility that chemical weapons had been used. Those reports were accompanied by a growing call by Governments as well as by public and private organizations for an objective and impartial investigation." (para. 4)

These remarks, at the same time, reflect evidently the then prevailing international outrage at the use of chemical weapons against "Iranian nationals", and are a sign of why the Secretary-General felt obliged to conduct the first and 7 more forthcoming field investigations.

The letter concludes:

> "The Secretary-General cannot but deplore that their unanimous conclusions substantiate that chemical weapons have been used". (para. 8)

The four eminent specialists dispatched to Iran reported their unanimous conclusions as follows:

> "Chemical weapons in the form of aerial bombs have been used in the areas inspected in Iran by specialists." (para. 35a)

Iraq not only refused to accept the specialists on its territory but also opposed to their dispatch to Iran. Iraqi officials in their reaction to the report of the specialists invoked "the possibility" of Iran "fabricating circumstances whereby it seeks to create justifications for its defeats ....", stressed its resentment over the dispatch of the specialists to the area and went on hoping that the Secretary-General "will not let himself be duped by one of the parties to the conflict." (S/16438 of 27 March 1984)

The report resulted in the issuance of a Note by the President of the Security Council (S/16454 of 30 March 1984), which, inter alia, "strongly condemns the use of chemical weapons reported by the mission of specialists."

b. In April 1985, following the hospitalization in Europe of a number of Iranians injured as a result of the exposure to chemical weapons, the Secretary-General, with a view to "obtaining authoritative and an independent opinion" on the information coming from the hospital centers concerned, dispatched a medical specialist to examine Iranian patients. The medical specialist, having completed his assignment, states in his report (S/17127 of 24 April 1985) that:

> "Chemical weapons were used during March 1985 in the war between Iran and Iraq. Yperite [mustard gas] was used, affecting Iranian soldiers, and the attacks were made by means of bombs dropped from aircraft".

Having reviewed the above-mentioned report, the Security Council issued the Note by the President (S/17130 of 25 April 1985), which states, among others, that:

> "The members of the Council, seized with the continuing conflict between Iran and Iraq, are appalled that chemical weapons have been used against Iranian soldiers during the month of March 1985 in the war between the two countries, as concluded in the report of the medical specialist appointed by the Secretary-General."

In a letter to the Secretary-General (S/17134 of 28 April 1985), the Iraqi Permanent Representative, in open defiance to the Security Council, which had demanded in its Note: "... that the provisions of the Geneva Protocol be strictly observed" stated that: "Iraq will use all means available to it ... if the Iranian regime launches a new attack on Iraqi territory ...". Though the compliance with the Geneva Protocol is unconditional, I will make clear later how unfounded was the invocation of self-defense by Iraqis in justifying their resort to chemical weapons.

c. Upon the intensification of the use of chemical weapons by Iraq and the request by Iran, the Secretary-General dispatched the second mission of specialists, in February 1986, to the area and transmitted its report to the Council on 12 March 1986. (S/17911) In his transmittal letter, the Secretary-General states that:

> "In the circumstances, the Secretary-General cannot but note with regret that the specialists have confirmed the use of chemical weapons by Iraqi forces against Iranian forces in the course of the present Iranian offensive into Iraqi territory. The Secretary-general repeatedly has declared that he strongly condemns the use of chemical weapons wherever and whenever this may occur. In the present instance such weapons have been used in violation of the Geneva Protocol of 1925 against Iranian forces, in the Iran/Iraq conflict." (para. 14) Emphasis added

Needless to recall and quote parts of the specialists' report, in which horrifying scenes are described. The Iraqi Government, considering the use of chemical weapons a "secondary issue", persisted in its refusal of accepting the mission on its soil, as referred to in para. 9 of the Secretary-General's report.

The Security Council, reacting to the above report, stated in a Note by its President (S/17932 of 21 March 1986) the following:

> "Profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in the course of the present Iranian offensive into Iraqi territory, the members of the Council strongly condemn this continued

use of chemical weapons in clear violation of the Geneva Protocol of 1925, which prohibits the use in war of chemical weapons".

The Iraqi Foreign Minister, reacting to the above presidential Note by the Council, called it "a cause of regret to the Government of Iraq", considered it to be lacking "the required degree of balance", chastised "certain parties" accusing them to wish "to encourage those barbarians to persist in their aggression" and finally "pronounced a firm warning against the unjustified and apparently impure attempts to concentrate on secondary issues arising from the conflict ..." (S/17934 of 23 March 1986)

d. In follow-up on the two earlier investigations and following Iranian numerous requests, the Secretary-General dispatched the third mission of specialists to the area in April 1987. Transmitting the report of the mission to the Security Council (S/18852 of 8 May 1987), he states that:

> "The specialists' findings that chemical weapons were again used against Iranian forces by Iraqi forces, also causing injuries to civilians in the Islamic Republic of Iran and that now also Iraqi forces have sustained injuries from chemical warfare must add new urgency to the grave concern of the international community." (para. 5)

This period represents a turning point in the use of chemical weapons by Iraqis in terms of extending them against Iranian civilians as well. The specialists echo this development in their report to the Secretary-General as follows:

> "... [W]e were very disturbed to find that there now have been numerous civilian casualties as a result of attacks by mustard gas. In a hospital in Tehran we saw the effects of mustard gas on a peasant family, particularly a mother and her two small daughters aged two and four years. We had the distressing experience of witnessing the suffering of the four-year-old child less than two hours before her death. In addition, we saw the very damaging effects of mustard gas on the young mother, who was four months pregnant." (Page 5) emphasis added

The Security Council issued a Note by the President on 14 May 1987 (S/18863), in which it reads, inter alia, that:

> The members of the Council are "[d]eeply dismayed by the unanimous conclusions of the specialists that there has been repeated use of chemical weapons against Iranian forces by Iraqi forces, that civilians in Iran also have been injured by chemical weapons and that Iraqi military personnel have sustained injuries from chemical warfare agents ..." (S/18863 of 14 May 1987).

e. The Government of the Islamic Republic of Iran in a number of letters dated between 17 and 24 March 1988 informed the Secretary-General that chemical weapons had been used on a large scale by Iraq against Iranian military personnel and civilians as well as against Iraqi Kurdish areas, including **Halabja**, resulting in large number of casualties, and requested the dispatch of a mission to investigate them.[i] In these letters Iran reported that around 5000 Kurdish people of Halabja were killed and more than 7000 were chemically affected.

The deadly attack on Halabja occurred on 17 March 1988 in the wake of attacks by Kurdish guerrillas on the Iraqi army in the region and cynically meant to punish the Iraqi Kurdish population for their opposition to the Iraqi regime.

Moreover, it occurred at the time when the city and its surrounding areas were in the hands of the Iranian army, and to refute the astonishing accusation contained in the Iraqi letter, suffice it to say that it would not have been logical for the Iranians to pollute an area under their own control, let alone killing local people who actively opposed Baghdad.

Despite the international outrage over the incidents and repeated requests made by the Iranian Government for conducting investigations, the reaction by the United Nations to the widespread use of chemical weapons by the Iraqis, simultaneously in some areas in Iran and in Halabja, did not live up to the expectation. Later, the Secretary-General in a report to the Security Council (S/19823 of 25 April 1988) explains:

> "In the circumstances, the Secretary-General decided to dispatch a medical specialist to the Islamic republic of Iran to investigate the allegations lodged by it." (para. 5) emphasis added

"The circumstances" the Secretary-General referred to in his report, which allowed him to dispatch only "a medical specialist" was indeed a reference to the "political expediency" prevailing in the Security Council at the time — the same "expediency" that had paralyzed the Council and prevented it from discharging its responsibility with regard to the maintenance of international peace and security, thus dealing decisively with the party which started the Iran-Iraq war and widely resorted to chemical weapons in its course. The scheme propped up by some in the Council at the time aimed at preparing the ground for imposing an arms embargo on Iran did not warrant taking an action, which would lead to finding Iraq in gross violation of the international law.

Regrettably, in the absence of military, ammunition and chemical experts, who might have concentrated on identifying the party that committed the barbaric crime in Halabja and elsewhere, the one-member UN team confined itself to clinically examining patients and concluding that in "Iran I was able to determine that patients had been affected by chemical weapons. A considerable number of those affected had been civilians." (S/19823 of 25 April 1988 para. 54 a) Therefore, the UN investigations into the tragic chemical attack on Halabja remained largely inconclusive.

However, the representatives of the international media, invited by the Iranian Government to visit the Halabja area, filled to some extent the gap. Given the confidence the author of the Iraqi letter placed in *The Washington Post* by predicating itself on it and also for the sake of brevity, I confine myself to the reports ran by *The Washington Post* on the issue at hand.

Patrick Tyler of *The Washington Post*, who, along with many other foreign journalists, traveled to Halabja under Iranian escort, among other things, reported the following in an article, ran on 24 March 1988:

> "More than 100 bodies of women, children and elderly men still lay in the streets, alleys and courtyards of this now-empty city, victims of what Iran says is the worst chemical warfare attack on civilians in its 7 ½ year-old war with Iraq. Some victims hugged children in silent embraces, other sprawled in doorways. One family lay near a table set for lunch. In another house, the cellar became the death chamber for residents trying to flee the heavier-than-air cloud that seeped down into their refuge to kill them. Outside, the streets

were littered with bloated carcasses of cattle, sheep, cats and dogs, all trapped by the chemical burst near the city center... According to survivors, a single warplane appeared from the west and dropped one or more chemical bombs that dispersed a deadly yellow-and-white cloud through the Kurdish city, killing hundreds and perhaps thousands of residents." Emphasis added

"Many of the Kurdish inhabitants of Halabja fled to the mountains, according to the few townspeople who have returned. But many others died in the massive bombing by Iraqi warplanes that followed, they said. A year ago the population of Halabja was reported at 70,000, but thousands of residents fled after an uprising against Iraqi military authorities last May... Some of the gas victims included Iranian Revolutionary Guards, who had entered Halabja to accept the surrender of the Iraqi garrison... Halabja survivors said in interviews that they were certain the gas attack was launched from an Iraqi warplane because it came after the battle for the city was over and Iraqi ground forces had withdrawn or surrendered." Emphasis added

Patrick Tyler reported later:

"Iranian War Ministry officials presented 28 Iraqi Army officers in a separate news conference, including two officers who said they have witnessed Iraqi warplanes drop chemical bombs on Halabja on 16 March. Brig. Gen. Nather Hussein Mustafa, the second-ranking officer captured during the northern offensive, said he was three miles from Halabja when planes dropped the bombs, which sent up a white cloud of poisoning gas. Mustafa said he was captured shortly before the attack by Iranian troops, who gave him a gas mask and took him to the city to see the civilian dead." (*The Washington Post* of 25 March 1988)

The Washington Post of 24 March 1988 in an article also reported that the international Committee of the Red Cross also condemned Iraq's use of chemical weapons and called it a "new and tragic escalation" of war.

The "political expediency" prevailing in the Security Council at the time was in full play in May 1988, when some of its members tried to bar at all costs the reflection of so many UN reports and even Council's presidential statements into a resolution clearly condemning Iraq for its repeated and gross violation of the Geneva Protocol of 1925. Astonishingly, the Council in its resolution 612 (1988), instead of condemning Iraq for the use of chemical weapons as it did in some of its presidential statements, "expects both sides to refrain from the future use of chemical weapons..." Such resolution encouraged Iraq in persisting on its path of continuous violation of the Geneva protocol of 1925, including even against its own people as described hereunder.

f. The continuation of the use by the Iraqis of chemical weapons against Iranian civilians and military personnel, despite the adoption of resolution 612, prompted the Iranian Government to request the United Nations to investigate the latest incidents. A two-member mission dispatched by the Secretary-General to the Islamic Republic of Iran in July 1988, in its report transmitted by the Secretary-General to the Security Council, (S/20060 of 20 July 1988) stated the following:

"We deeply regret to say that, on the basis of evidence gathered during the present mission, and in spite of repeated appeals by the United Nations, chemical weapons continue to be used in an extensive scale against Iranian

forces. As highlighted in the reports submitted by the previous missions that went to the Islamic Republic of Iran, the continued use of such weapons in the present conflict increases the risk of their use in future conflicts. It is also clear from the accumulated evidence that the use of chemical weapons in the present conflict has been intensifying and has also become more frequent."

In transmitting to the Security Council the report of the mission of specialists the Secretary-General expressed "his deep regret at the mission's conclusion that chemical weapons continue to be used against Iranian forces and positions." (para. 13)

He continues:

"The Secretary-General finds particularly disturbing that, only a few weeks after the unanimous adoption of resolution 612 (1988), he is compelled to submit to the Security Council a report which clearly points to activities that are in violation of the terms of that resolution." (para. 14)

The above-mentioned report led to the adoption of Security Council resolution 620 (1988). In preambular paragraph 4 of this resolution the Council pronounces itself to be:

Deeply dismayed by the mission's conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,"

In this resolution, the Council also "condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran an Iraq..."

g. Upon allegations raised by the Government of Iraq as to the use of chemical weapons by Iranian forces against Iraqi forces on June 20 and July 1, the Secretary-General dispatched a mission of specialists to Iraq. In the report submitted to the Security Council (S/20063 of 25 July 1988), both the mission and the Secretary-General stopped short of confirming the use of chemical weapons against Iraqi forces. In his letter, he adds:

"The Secretary-General notes with regret that the evidence obtained by the specialists points to an ever increasing presence of different types of weapons associated with aggressive chemical agents in the conflict between Iran and Iraq." (para. 4)

The detailed technical explanations given by the specialists in their report imply the dubious nature of the allegations by Iraq. The specialists refer to "the nine patients who had been indicated as affected by chemical weapons as the only ones affected during the attacks.", but they did not conclude how the soldiers were exposed to the gas. They found the presence of yperite in the cases discussed in the report to be "very limited in its intensity and effects." As to the means of delivery, the report affirms that:

"The alleged chemical grenades were, contrary to the high explosive type shown to us, partly rusty and some of them obviously leaking. One of the grenades examined, claimed to have been retrieved after the alleged attack in the morning of 1 July 1988, had not exploded but was damaged in the front so that the inner tube of the extension was exposed. The surface was also rusty.

During the inspections conducted by us, no inscriptions identifying the origin of the grenades alleged to contain chemical agents were noted." (para. 27)

The report concludes that:

"The CAM gave positive indication of the presence of a blister agent in the crates where the grenades, said to be captured from Iranian forces at Shalamcha, east of Basra, were kept, but analysis of the liquid samples from one of them could not confirm the presence of any chemical warfare agent;" (para. 32c)

It further concludes that:

"On the basis of the present investigation, the number of casualties and the extent of their injuries seemed less extensive than in previous investigations". (Para. 32e)

In the report, there is no word of attack by or use of chemical weapons against Iraqi forces in the conflict, let alone attributing any wrong doing to Iran. Instead, they let the report to be impregnated by serious doubts about the authenticity of the evidence presented by Iraqi officials. In other words, the specialists just stopped short of stating that the whole efforts by the Iraqis was a set-up aimed at accusing Iran of using chemical weapons.

h. The use of Chemical weapons against civilian population in eight locations at Sheikh Othman District of the Iranian city of Oshnaviyeh is an example that proved clearly how unfounded was the invocation by the Iraqi Government of "self-defense against aggression" to justify its resort to chemical weapons. The attack occurred at 2:45 a.m. on 18 July 1988; 15 days after the acceptance by the Islamic Republic of Iran of Security Council resolution 598, and at a time when the two sides were engaged in intensive negotiations with a view to agreeing on a date to cease fire. The later developments in the region in August 1990 further dissipated any possible trace of doubt in any minds as to which party had pursued aggressive and expansionist objective in the region. The Secretary-General set the record straight, though belatedly, by stating in his report to the Council of 9 Dec.1991 (S/23273) that:

"...[T]he attack of 22 September 1980 against Iran cannot be justified under the Charter of the United Nations, any recognized rules and principles of international law or any principles of international morality and entails the responsibility for the conflict."

The mission of specialists, dispatched by the Secretary-General to Iran in July 1988 to investigate the use by the Iraqis of the chemical weapons in the vicinity of Oshnaviyeh states in its letter of transmittal (S/20134 of 19 August 1988) that:

"It is with concern that we have reached the conclusion, on the basis of the evidence obtained during this mission, that in spite of repeated appeals by the United Nations, chemical weapons have been used against Iranian civilians in an area adjacent to an urban center lacking any protection against that kind of attack. The fact that even children have been injured proved once more the unacceptable consequences of such action. The use of chemical weapons constitutes a violation of the Geneva Protocol of 1925. Their utilization against civilians is particularly offensive to the human conscience and should be strongly rejected. Furthermore, this regrettable development has taken place at

a time when the possibilities of achieving peace in the conflict between the Islamic Republic of Iran and Iraq increased significantly." (p.5) emphasis added

The report in its conclusion reiterates:

"From the examination of a bottom plate and several splinters present in the area, it can be concluded that bombs similar to those found in 1984, 1986, 1987 and 1988 have been used against Iranian civilians indicating their utilization during an Iraqi air attack on Oshnaviyeh (p.11).

i. The Iraqi officials even dared to admit publicly that Iraq had used chemical weapons against Iran in the Persian Gulf War. Robert McCartney of *The Washington Post* quoted Iraqi Foreign Minister Tariq Aziz as telling a news conference on 1 July 1988 in Bonn that:

"[T]he use of chemical weapons 'might be controversial' but he called for understanding of Iraq's right to use 'all means, including the use of chemical weapons' to repel Iranian forces. 'I am a frank man, and I say that such [chemical] weapons were used in this conflict. The Iranians started the use,' Aziz said." (*The Washington Post 2 July 1988*) — a totally unfounded claim that Iraq never even tried to prove.

The Washington Post for 30 March 1988 quoted Nuri Nayef, head of the Iraqi News Agency office in Cairo as saying that

"[A]n Iraqi government spokesman told him the military might choose a number of large Iranian cities to be the targets of chemical weapons as a deterrent and punitive measure."

Patrick Tyler of *The Washington Post* quoted Iraq's defense minister, Gen. Adnan Khairallah, as saying in an interview in Iraq that:

"Iraq's alleged large-scale use of chemical weapons during the eight-year war with Iran was 'dirty linen' that he would not discuss publicly. But in a two-hour news conference, he strongly implied that Iraq had the right to use such weapons ... against warring Iranians and Kurdish rebels." (*The Washington Post* of 16 September 1988)

j. In the weeks and months following the cease fire in the Iran-Iraq war, the use by the Iraqi Government of chemical weapons against its own Kurdish population drew international outrage. *The Washington Post* of 10 September 1988, in article by Helen Dewar, reported that:

"The US State Department officers, who interviewed Kurdish refugees from 28 Iraqi villages and reported seeing and photographing victims with 'blistering, oozing sores around noses and mouths' and similar wounds on 'hands, feet and other exposed tissues.' Refugees were quoted ... as saying that 'gas attacks killed thousands of people whose bodies were left unburied.' The refugees were interviewed in Turkey where they fled the Iraqi attacks. The US Secretary of State accused Iraq of employing chemical weapons on Kurds in recent weeks and warned that US-Iraq relations would be affected if poison-gas attacks and other human-rights abuses against the Kurds continue."

The same article went on adding that:

"The US Senate gave swift, unanimous approval on 9 September 1988 to economic sanctions against Iraq for what it described as 'gross violation of international law' in using poison gas against its Kurdish minority."

"Iraq on 16 September 1988 formally rejected a UN request to allow experts to visit Iraq to investigate the allegations of chemical weapons use against the Kurds." (*The Washington Post* of 17 September 1988)

"Dwelling on this issue, Iraq's defense minister, Gen. Adnan Khairallah, said that: 'The Kurds are Iraqis and, and it is an internal issue' adding that 'I want to deal with a certain segment of my population in the way I want.'" (*The Washington Post* of 16 September 1988)

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[1] S/19637, S/19639, S/19647, S/19664
S/19650, S/19651, S/19665 and S/19682

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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/453).

The Counter-Terrorism Committee has received the attached supplementary report from Sri Lanka, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-52060 (E) 190802

Annex

Letter dated 15 July 2002 from the Permanent Representative of Sri Lanka to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I forward herewith the comments of my Government in regard to your letter of 15 April 2002 (see enclosure).

If any further clarification is needed, please do not hesitate to let me know.

(*Signed*) C. **Mahendran**
Ambassador
Permanent Representative

Enclosure

Response of the Government of Sri Lanka to questions raised by the Counter-Terrorism Committee — 15 April 2002

Sub Paragraph 1 (a) :

The scope of application on the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 and the Criminal Procedure Code is territorially linked to offences committed within the territory of Sri Lanka.

However, the amendment to the term "unlawful activity" effected by Act No. 48 of 1979 envisages and encompasses activity perpetrated outside the territory of Sri Lanka for the purpose of giving effect to terrorist acts committed within the territory of Sri Lanka

The reverse position, as contemplated in the questionnaire, is not covered. However, some of the acts, in particular, financing for terrorist purposes although committed within Sri Lanka could have a transnational effect and also give rise to specific offences under the law of Sri Lanka, for instance, under the Exchange Control Act.

Since offences committed under the Exchange Control Act are deemed to be criminal offences, in such situations, the provisions of the Exchange Control Act and Provisions of the Criminal Procedure Code could be invoked for effective investigation of such offences. In particular Section 124 of the Criminal Procedure Code (see extract attached) would enable a criminal investigator to obtain magisterial orders leading to the suspension of the accounts maintained at Banks and non-Banking financial institutions and also provide for authorities of such institutions to make available to the investigators the status of such accounts and other relevant information.

Proposed law on Money Laundering:

The proposed law on Money Laundering is in the process of being finalized for presentation in Parliament.

The draft law provides for the establishment of an independent Money Laundering Authority for the implementation of anti-money laundering measures and provides a regulatory procedure for financial institutions and banks to comply with, to facilitate the detection of money laundering offences.

In addition to terrorist offences, offences relating to drugs, firearms etc. are made predicate offences for the purpose of the law. It also contains provision for identification, freezing, seizure and confiscation of assets attributable as proceeds of crime.

Proposed Laws Outlawing the Financing of Terrorism:

The Draft legislation to give effect to the Convention on the Suppression of Terrorist Financing creates the offence of financing of terrorists or terrorist organizations as envisaged in the Convention. It vests the High Court with appropriate jurisdiction in terms of the Convention and makes consequential amendments to the Extradition Law in order to conform to the extradite or prosecute regime under the Convention.

The Draft legislation also provides that for the furtherance of international cooperation in the prevention of the offences specified in the Act, the Minister may make such regulations, issue such directions, take such action as provided for by any other written law, for the purpose of preventing and countering the commission of the offence of money laundering.

In addition, the Anti-Money Laundering legislation recognizes as predicate offences, offences relating to terrorism, including those under any legislation to give effect to an international convention for the suppression of terrorism to which Sri Lanka is a State party. Investigating powers contained in the Code of Criminal Procedure could also be invoked to effectively investigate offences under the proposed laws.

Legislation to give effect to Palermo Convention on Transnational Organised Crime

Legislation is currently being prepared to deal with organized crime, inter-alia, to give effect to the legal obligations under the Palermo Convention on Transnational Organised Crime.

Offences under the Act

- The Bill seeks to create a new offence of belonging to an Organized Criminal Group. Thus, merely being a member of such a group is a punishable offence.
- The Bill also recognizes as offences certain unlawful acts (committing, attempting to commit aiding the commission, conspiring to commit and abetting the commission of, an offence specified in the schedule) or the doing of any other act, in furtherance of the general criminal activities of an organized criminal group. Thus, a member of an organized criminal group or even a person who is not a member, who does any of the above in furtherance of the general criminal activities of an organized criminal group, commits an offence. The commission of an offence by a member of such a group attracts a higher penalty than a non-member.
- Harboring, concealing, assisting persons who have committed offences under the Bill are offences. Knowledge that the person who was harbored was a member of an organized criminal group is a necessary ingredient to constitute the offence. Here too, a member of a group attracts a higher penalty than a non-member.
- Intimidating or harming any person who is investigating an offence under the Act or a witness or a person connected to these persons, is also recognized as an offence if done with the intention of obstructing the course of justice. The 'harm' could be harm to the person or to property of the person.

Forfeiture of Proceeds of Crime

Where a person is convicted of an offence under this Bill, the court is empowered to order the forfeiture of any proceeds of the crime. Similar provision is found in respect of Bribery and Corruption offences. The rights of a bona fide purchaser or other person for value, is required to be given consideration. Thus, laundering of illegally acquired proceeds of crime is sought to be prevented.

Sub-paragraph 1(b) :

Sub-paragraph (a) of regulation 6 covers the following categories

(a) Acts committed by a citizen of Sri Lanka;
(b) Acts committed by any person who is residing in Sri Lanka ; and
(c) Acts committed by Sri Lankan citizens living outside Sri Lanka.

Sub-paragraph 1(c) and (d) :

Regulation does not require the commission of a criminal act leading to conviction in order to freeze funds or other financial assets. This is only required in regulation 8 dealing with forfeiture.

Hawala transactions

Provisions required to prohibit alternative money transfer agencies are embodied under the Sections 5 and 9 of the Exchange Control Act (ECA). In terms of these provisions no person other than an Authorised Dealer shall engage in foreign currency dealings including money transfer business in Sri Lanka without specific permission from the Central Bank. Therefore, any person engaged in money transfer business without such permission commits an offence under the ECA and on conducting an inquiry by the Central Bank will be liable to a fine up to 3 times the value of the offence committed. In the alternative, any person who commits such an offence, on conviction before the High Court will be liable to imprisonment for a term up to 5 years or to both imprisonment and a fine.

A special surveillance unit has been established in the Exchange Control Department to monitor inward and outward movement of funds to and from the country. This unit places special emphasis on monitoring the funds received by all Non-Governmental organizations (NGOO) to ascertain whether they are organisaations really engaged in social, religious, charitable and cultural activities. In addition, bank accounts of the NGOO receiving funds from the countries known to have links with terrorism and narcotics are regularly monitored.

Sub paragraph 2 (a) :

Please see (1) above.

Recruitment of persons:

At present, this matter would come within the purview of Regulations under the Provisions of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979. Regulation 3 (c) makes it an offence to support a proscribed organization by way inviting or exhorting persons to be enrolled as members, contributing or collecting funds or furnishing information or securing other assistance to such proscribed organization.

Sub paragraph 2 (b) :

The operative provisions of Regulations 6 (a) of the United Nations Regulations No. 1 of 2001 would apply, inter-alia, to acts committed by citizens of Sri Lanka living outside Sri Lanka.

Sub-paragraph 2 (c) (d) and (e) :

Instances envisaged concerning the movement of foreigners to use Sri Lanka as a safe-haven have not come to the notice of the competent authorities of Sri Lanka.

Sub paragraph 2 (f) :

Time frame for effecting a request for legal assistance would depend on the complexity or otherwise of each case. However, there is an established procedure for giving effect to requests for judicial assistance, which have, in practical terms, worked effectively.

Mutual Assistance on Criminal Maters:

The Draft Legislation on Mutual Assistance in Criminal Matters has been gazetted prior to presentation in Parliament. In addition, several bilateral negotiations on Mutual Assistance are under discussion pending the enactment of the legislation.

Sub paragraph 2 (g) :

Steps taken by Sri Lanka to tighten its measures to safeguard against forgery of passports are as follows :-

1. Issue of Machine readable passports with high security features
2. Amendment of existing immigration laws to give enhanced punishments to those who are involved in tampering passports as well as to the persons who are aiding and abetting to forge Travel Documents.

Action Proposed:-

1. Data of all passports issued after August 1992 will be logged in the Central Data Base in order to check passports with altered, forged or tampered pages instantly, helping the law enforcement officials combating forgery of passports. Airport will be linked with its Immigration Head Office and the Directorate of Internal Intelligence.
2. Action will be taken to start a training center at the head Office with the modern equipment to detect forgeries with the help of International Organization for Immigration (IOM) to train Immigration officers.
3. The new "N" Series passports will be introduced in the year 2003 with several new security features.

A comprehensive Immigration Law which, inter-alia, criminalizes human smuggling and provides for enhanced penalties for forgery of passports and other travel related documents is due to be introduced shortly.

In view of the sensitive nature of the bilateral agreements, the Government of Sri Lanka regretfully wishes to refrain from furnishing further information to that contained in its initial Report

Sub Paragraph 3 (c), (d) and (e) :

Sri Lanka is not a party to the Convention on the Physical Protection of Nuclear Material and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (1988). These have not received priority attention since there is no immediate practical relevance of these Conventions to Sri Lanka.

All bilateral treaties on Extradition which Sri Lanka has concluded provides for extradition in respect of any offence which carries a term of imprisonment for a period of at least 1 year. This would cover all crimes under relevant International Conventions and Protocols for the suppression of terrorism, which are treated as serious crimes.

Sub paragraph 3 (g) :

Although the Conventions prior to the Terrorist Bombings Conventions do not have specific provision excluding the political offences exception, in Sri Lanka's treaty practice, it is usual to incorporate a provision treating as "non-political" for purposes of extradition, any offence under a multilateral Convention to which the Contracting Parties have subscribed and which provides for extradition or prosecution in respect of offences under such Convention.

Sub paragraph 4 :

Sri Lanka has made every effort bilaterally and multilaterally to emphasize the need for cooperation, taking into account the close connection between international terrorism and transnational organized crime etc. In a recent agreement negotiated with the European Community on the Re-Admission of Persons residing without authorization, an accompanying Joint Declaration recognizes the need to take measures against organized criminal activities such as human trafficking, migrant smuggling and financing for terrorist purposes and provides for the facilitation of cooperation between the law

criminal activities such as human trafficking, migrant smuggling and financing for terrorist purposes and provides for the facilitation of cooperation between the law enforcement, immigration and other relevant authorities of Member States of EU with their counterparts in Sri Lanka.

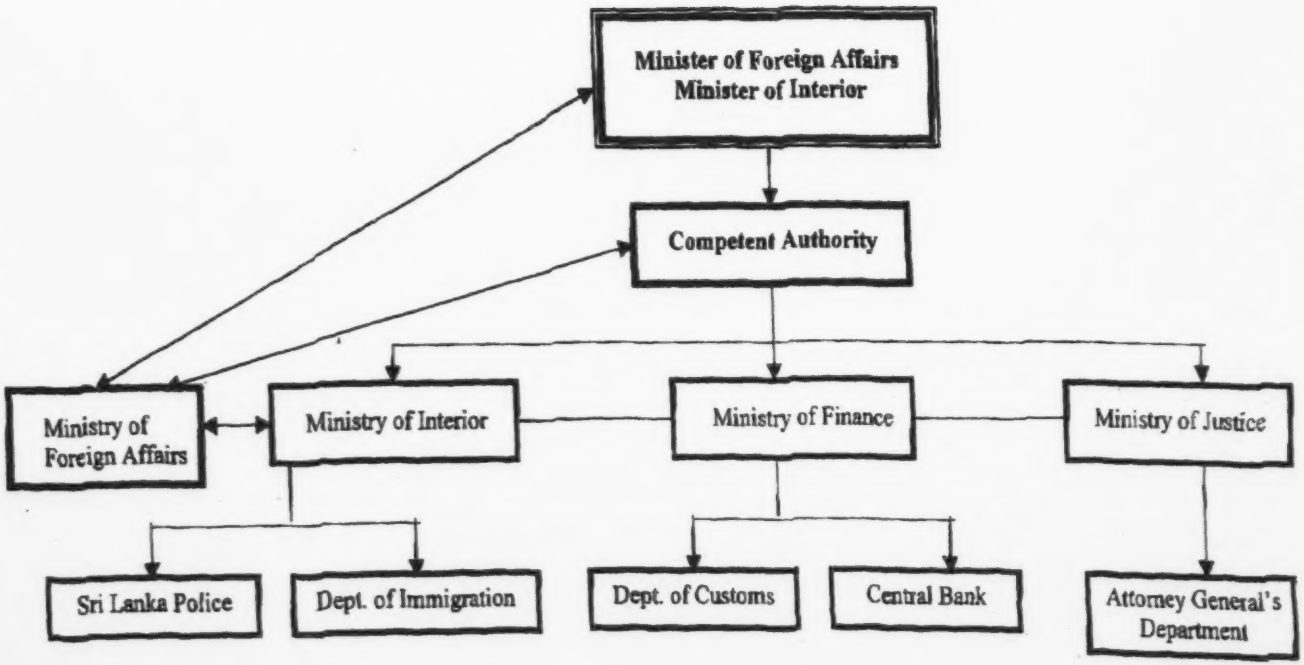
This information should be treated as confidential in view of the fact that the agreement has not yet been signed.

Other matters :

The organizational chart of Sri Lanka administrative machinery for implementation of Security Council resolution 1373 (2001) is contained in the annex to this response.

Annex

Organizational chart of Sri Lanka administrative machinery for implementation of Security Council resolution 1373 (2001)



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Security Council

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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 7 March 2002 (S/2002/263).

The Counter-Terrorism Committee has received the attached supplementary report from the Democratic People's Republic of Korea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 22 July 2002 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith the supplementary report of the Government of the Democratic People's Republic of Korea to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative

Enclosure

Supplementary report of the Government of the Democratic People's Republic of Korea on the implementation of Security Council resolution 1373 (2001)

Introduction

The outrages of 11 September 2001 called up anew the gravity of terrorism and the urgency of its suppression.

■ The Democratic People's Republic of Korea maintains its position of opposing all forms of terrorist acts and support to them.

The Democratic People's Republic of Korea (hereinafter the DPRK) has been suffering from its division and national separation forced by outside forces for half a century, and constant military threat.

Since the division of the country, the DPRK Government has made all its efforts to ensure durable peace in the Korean peninsula and achieve reunification of the country and the nation.

In June 2000, the North-South Summit was held for the first time in the history of national division and the North-South Joint Declaration adopted, reaffirming the willingness to pave the way to the reunification by the joint national efforts.

Proceeding from its peace-loving stand, the Government opposes all forms of aggression, military threats, national division and interference in the internal affairs of other countries, and supports the struggle of other countries and nations for the defense of national sovereignty.

■ The fight against terrorism should comply with aims and principles of the Charter of the United Nations.

The fights against terrorism should be oriented to establishing just and equitable international order and achieving sustainable development, on the basis of sovereign equality, non-interference and mutual respect, and not be abused to pursue interests and strategic goals of individual country or community.

The Government of the DPRK supports the proposal of convening an international conference, under the auspices of the United Nations, in order to define a fair concept on terrorism and seek common views on means to counter terrorism.

Expressing its hope that all terrorist acts would be suppressed on this planet and all countries and nations lead stable and harmonious life, the DPRK submits its

supplementary report based on questionnaire prepared by the Counter-Terrorism Committee of the United Nations in accordance with the UN Security Council resolution 1373(2001).

Operative paragraph 1

Sub-paragraph (a): Prevent and suppress the financing of terrorist acts

[Question: What measures if any have been taken to suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d) ?]

There are no further measures taken, out of those indicated below.

Sub-paragraph (b): Criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their national or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts:

[Question: What are the offences and penalties in your country with respect to the activities listed in this subparagraph?]

According to articles 45, 141-149 of the Criminal Law of the DPRK amended and supplemented in 15 March 1995, a person who commits terrorist acts against people shall be committed to rehabilitation institution for not less than 5 years or the death penalty and the penalty of the confiscation of all property. The Law also stipulates that terrorist acts, such as impairment of life and health of citizens, and brutal killing, should be considered as serious crimes and undertaken under legal proceedings.

Under the article 6 of the Law on the Management of Foreign Currency adopted on 31 January 1993, the foreign currencies can only be used once they are duly converted into Korean Won.

Sub-paragraph(c): Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from

property owned or controlled directly or indirectly by such persons and associated persons and entities:

[Question: What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.]

Problems mentioned in this sub-paragraph are not posed in the DPRK. The Law on the Management of Foreign Currency strictly prohibits alien terrorists or their entities from having their own accounts and properties at the domestic banks and financial institutions.

Sub-paragraph (d): Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons:

[Question: What measures exist to prohibit the activities listed in this sub-paragraph?]

Acts in this sub-paragraph do not exist in the DPRK and since there is no possibility for terrorists and/or their support groups to open accounts, the enactment of a new law on freezing their financial resources and assets is not needed.

Operative paragraph 2

Sub-paragraph (a): Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists:

[Question: What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?]

Article 29 of the Customs Law of the DPRK adopted on 14 October 1983 prohibits import and/or export of arms, ammunition, explosives, poison, narcotics, etc., and other goods unauthorized by the competent authorities.

Under articles 113 and 114 of the Criminal Law amended and supplemented on 15 March 1995, a person who illegally possesses explosives, including arms, ammunitions, dynamites and detonators or supplies them to others shall be committed to a reform institution for up to 5 years.

Sub-paragraph (b): Take the necessary steps to prevent the commission of terrorist acts, including the provision of early warning to other States by exchange of information:

[Question: What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?]

The State encourages the development of exchanges and cooperation with other nations and international organizations.

Sub-paragraph(c): Deny safe havens to those who finance, plan, support, or commit terrorist acts, or provide safe havens:

[Question: What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.]

Articles 16 and 75 of the DPRK Constitution provide foreigners with same freedom of residence and movement as its nationals.

The DPRK Government has been taking various legal measures for further freedom of movement and residence and security of foreigners within its territory. Under article 33 of the Immigration Law adopted on 19 January 1996, all foreign travelers are subject to immediate registration for their stay, upon their entry on the DPRK, under article 38, foreigners can reside in the DPRK under authorization of the relevant authorities, and under article 39, for the removal of domicile, a foreigner must check out and recheck-in at the immigration office of the residence area.

Sub-paragraph(d): Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens:

[Question: What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful is States supplied examples of any relevant action taken.]

In the DPRK, all laws and regulations are drafted, adopted and enforced with the security of the country and defense of people's life and properties at their core, therefore giving no feasibility of commission of the acts indicated in this subparagraph.

Sub-paragraph(e): Ensure that any person who participated in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts.

[Question: What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.]

There are no particular cases raised in the DPRK with regard to suppression of financing of terrorist acts, freeze of their assets and movement of terrorists with counterfeit travel documents.

Nevertheless, when that case comes up, a person who commits or is involved in such acts shall be brought to justice in conformity with relevant laws.

Sub-paragraph(f): Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings:

[Question: What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.]

The DPRK Government maintains the principle of active cooperation with other countries and international organizations, for the protection of life and property of its citizens, and in the fight against terrorist acts.

The Government welcomes information on terrorists activities from international, regional and bilateral sources, and wishes to continue to further implement articles 3 and 4 of the UN Security Council resolution 1373 (2001) on the exchange of information of threats from terrorist groups and the assistance in the field of antiterrorism.

Sub-paragraph(g): Prevent the movement of terrorists or terrorist groups by effective border and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity paper and travel documents;

[Question: How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exists to prevent their forgery etc?]

In pursuance with articles 18 and 25 of the Immigration Law and its enforcement rules, a person who has forged passport or certificate, is recognized by a judicial organ not to be entitled to travel for the crime he/she has committed, is lunatic, has an infectious disease or has had no consent of the country he/she wants to travel to cannot enter/exit the country.

Under its article 19, foreigners need visa issued by the Ministry of Foreign Affairs or the Immigration Office to enter or leave the country. Under its article 30 and the relevant rules, a foreigner who has forged documents or is not allowed to leave the country in case the competent authorities have decided that he/she has committed a crime equal to penal accusation, cannot exit.

Under its article 32, foreigners' stay is classified into two, i.e., short and long. Short stay is for 6 months and long one beyond 6 months.

Under article 44, if the foreigner who has newly arrived is to stay more than 48 hours in an area other than the destination due to such reasons as natural calamities and epidemics, etc, he/she must register for his/her stopover at the immigration office of that area.

The expulsion of foreigners is enforced only when there is an evident ground on infringement of rules and regulations on entry, stay, residence and movement. By the enforcement of rules of the Immigration Law, the alien who enters without proper visa, stays longer than permitted and commits criminal acts by infringing domestic laws may be expelled out of the country.

Operative paragraph 3

Sub-paragraph(a): Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or

sensitive materials: use of communication technologies by terrorist groups: and the threat posed by the possession of weapons of mass destruction by terrorist groups:

[Question: What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?]

For information, please refer to answers given in sub-paragraphs (b) and (g) of operative paragraph 2.

Sub-paragraph(b): Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

[Question: What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?]

For information, please refer to answers given in sub-paragraph(f) of operative paragraph 2.

Sub-paragraph(c): Cooperate, particularly through bilateral and multilateral arrangements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

[Question: What steps have been taken to cooperate in the areas indicated in this sub-paragraph?]

For information, please refer to answers given in sub-paragraph(f) of operative paragraph 2.

Sub-paragraph(d): Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

[Question: What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?]

The status of accession to or signature of conventions and protocols related to antiterrorism is as follows:

■ **Accession**

1) - Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (13 August 1980)

2) - Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agent (1 December 1982)

3) - Convention for the Suppression of Unlawful Seizure of Aircraft (28 April 1983)

4) - Convention on Offences and Certain Other Acts Committed on Board Aircraft (9 May 1983)

5) - Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (19 July 1995)

6) - International Convention against the Taking of Hostages (12 November 2001)

■ **Signing**

International Convention for the Suppression of the Financing of Terrorism (12 November 2001)

The DPRK has acceded to or signed the above mentioned conventions and protocols with the aim of definitely suppressing all forms of terrorist acts and further developing exchanges and collaboration with the international community in this field, and therefore accession to or signature of other conventions is under study.

This clearly proves the consistency of the DPRK's position in the field of counter terrorism and is a manifestation of the Government's will to double its efforts in the fight against terrorism.

Sub-paragraph(e): Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269(1999) and 1368(2001);

[Question: Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.]

The DPRK Government will promote assistance in all fields including data exchanges to suppress terrorist activities and counter threats from their groups, in the course of the implementation of articles and provisions of Security Council Resolutions 1269(1999), 1368(2001) and 1373(2001), and relevant counter terrorism conventions and protocols.

Sub-paragraph(f): Take appropriate measures in conformity with the relevant provisions of national and international laws, including international standards of human rights, before granting refugee status, for the purposes of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

[Question: What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.]

In order to ensure national security and prevent from terrorism, the DPRK has adopted and enforced the Immigration Law. Under the relevant provisions of this Law, a person who has forged travel documents and is recognized by a judicial organ not to enter/exit the country, cannot enter/exit.

The Criminal Law of the DPRK stipulates in its articles 45 and 46 that a person who commits terrorist acts is committed to severe criminal punishment.

Meanwhile, the State strictly prohibits foreigners with le al status of residence and stay in the DPRK from disseminating discrimination, hostility and violence by inciting national, racial and religious hatred.

Sub-paragraph(g): Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

[Question: What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures, which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]

For information, please refer to answers given in sub-paragraph(g) of operative paragraph 2.